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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT PAPER NUMBER

3753

DATE MAILED: 11/05/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,056

Applicant(s)

HORTON, DAVID R

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1 - 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08/20/2003 for Fig. 1 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

This office action is responsive to the response filed 08/20/2003.

Claims 1 – 13 are pending.

1. The information disclosure statement (IDS) submitted on 05/21/2003 was filed after the mailing date of the first office action on 05/20/2003. Therefore a fee of \$180 has been charged to Deposit Account no. 12 – 0555 per the letter included with the information disclosure statement (IDS) submitted on 05/21/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

2. The revised drawings filed on 08/20/2003 are objected to because of the defects listed on the attached PTO-948 form. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The proposed correction to Figure 1 has been approved.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4 and 7 –9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Souza (US 3,822,720).

Souza ('720) discloses (Figs. 1- 7) a non-return valve comprising:

A valve body (12) including a fluid passageway (13) having an inlet (14) and an outlet (15); and

A valve diaphragm (16, 16') in the form of a conical-shaped diaphragm having a collapsible aperture (26) located at one adjacent its apex which is oriented in a downstream flow direction (from (14) towards (15)) toward the high pressure side (15) (under valve closed condition) of the valve, said diaphragm (16, 16') being connected across the fluid passageway (13) and being constructed of a resiliently flexible material (Col. 2, lines 55 – 57) wherein the diaphragm itself initiates closure of the collapsible aperture (26), said closure being further promoted by fluid on the high pressure side of the valve to thus prevent fluid flowing a reverse direction towards the inlet whereas application of pressure, exceeding atmospheric pressure and that on the high pressure side, to an inlet side of the diaphragm deflects the diaphragm (16, 16') to expose the aperture (26) and allow flow through the passageway (13) from the inlet (14) to the outlet (15) (Col. 3, lines 43 – 57).

Regarding claim 4, it is noted Figs. 6A – 6C disclose an arrangement comprising a series of non-return valves (31, 32) coupled to each other each of said non-return valve comprising:

A valve body (12) including a fluid passageway (13) having an inlet (14) and an outlet (15); and

A valve diaphragm (16, 16') in the form of a conical-shaped diaphragm having a collapsible aperture (26), said diaphragm (16, 16') being connected across the fluid passageway (13) and being constructed of a resiliently flexible material (Col. 2, lines 55 – 57) wherein the diaphragm itself initiates closure of the collapsible aperture (26), said closure being further promoted by fluid on the high pressure side

of the valve to thus prevent fluid flowing a reverse direction towards the inlet whereas application of pressure, exceeding atmospheric pressure and that on the high pressure side, to an inlet side of the diaphragm deflects the diaphragm (16, 16') to expose the aperture (26) and allow flow through the passageway (13) from the inlet (14) to the outlet (15) (Col. 3, lines 43 – 57).

Regarding claim 7, it is noted that each of the non-return valves has a diaphragm (16, 16') that is generally conically shaped and has a collapsible aperture (26) located at its apex that is oriented in a downstream direction.

Regarding claims 8 and 9, it is noted that (fig. 2 and Col. 2, lines 53 – 58) that the membrane and valve body are formed integrally by molding with a plastic material.

Regarding claim 11, it is noted that the valve body (12) is designed to be sealably inserted into a flow line (33) as shown in Figs. 6A – 6C.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Souza (US 3, 822,720) as applied to claims 1, 4 and 7 –9 and 11 above and further in view of Scheffer (US 4,425,934)

The patent to Souza discloses the claimed invention with the exception of an explicit disclosure of retrofitting the valve body to an existing stem. However, Souza

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discloses that the valve body is configured to be sealably inserted into various flow lines.

Scheffer discloses a non-return valve (9) having an exit lip that is retrofitted to an existing valve stem (9) for the purpose of inflation of pneumatic tires in an effectively reliable manner (Col. 1, lines 23 – 28). To retrofit the non-return valve of Souza it merely needs to be inserted into the flow line (5) so that the membrane (16, 16') sealingly engages the pin (8). The membrane (16, 16') of the non-return valve in Souza being flexible, it is therefore configured to retrofit an existing valve stem (8). Furthermore the non-return valve of Souza is made of one-piece and is inexpensive to manufacture (Col. 1, lines 25 – 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to retrofit the valve body of Souza to an existing valve stem as recognized by Scheffer for the purpose of inflation of pneumatic tires in an effectively reliable manner.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souza (US 3, 822,720) as applied to claims 1, 4 and 7 –9 and 11 above and further in view of Vest (3,903,942).

The patent to Souza discloses the claimed invention with the exception of disclosing a fluid nozzle to impose a pressure on the inlet side of the diaphragm. Souza clearly discloses that the valve body (12) is designed to be inserted into various flow lines.

Vest discloses a non-return valve (21) formed in a tank (10) wherein a nozzle (14) is inserted to apply pressure on the inlet side of valve (21) to open the valve for the purpose of safely delivering fluid to the tank.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the valve body of Souza in the tank and to have used a nozzle for the purpose of safely delivering fluid into the tank.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Souza (US 3, 822,720) as applied to claims 1, 4 and 7 –9 and 11 above and further in view of Taylor (US 3,485,419).

The patent to Souza discloses the claimed invention including two non-return valves that configured to be positioned in close proximity of each other in a co-axial arrangement but fails to disclose the non-return valves to be either nested at least partly within one another or abut or engage one another with their valve bodies in alignment.

Taylor discloses a dispensing arrangement wherein two non-return valves, each having a flexible body with an exit lip (20, 22) and arranged co-axially are configured (Fig. 2) to lie at least partially nested with in each other thereby having their respective valve bodies abutting each other. Such an arrangement clearly ensures reliable prevention of backflow.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in Souza an arrangement of non-return valve wherein the valves are configured to lie at least partially nested with in each other

thereby having their respective valve bodies abutting each other for the purpose of reliably preventing backflow as recognized by Taylor ('419).

9. Claims 12 and 13 are allowed.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peale discloses a check valve in pipe.

Response to Arguments

12. Applicant's arguments filed 08/20/2003 have been fully considered but they are not persuasive. Applicant is essentially arguing that the valve (11) in the Souza reference is not conical since it has a flattened end portion. However it is to be noted that Claim 1 merely recites a "conical-shaped" diaphragm and the diaphragm in the Souza reference includes members (16,16') and a "flattened" end portion does not render the diaphragm (16,16') to depart from a "conical-shape" as clearly seen in Fig 2

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or Figs. 6A – 6C. As for the argument that valve (11) in Souza is a two-way valve, although the Souza reference states that the valve (11) could also be used as a two-way valve, it functions as a two-way valve when externally actuated as seen in Fig. 7. However, when it is fluid-pressure actuated as in Figs. 2, 6A – 6C, it functions only as a one-way check valve as recited in claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel, can be reached on (703) 308 - 1272. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Ramesh Krishnamurthy
Examiner
Art Unit 3753
October 30, 2003

A handwritten signature in black ink, appearing to read 'D. Scherbel', with a stylized, cursive script.

David A. Scherbel
Supervisory Patent Examiner
Group 3700